



DOCKET NO. AB-269U

IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Whitehurst, et al.

Serial No.: 10/713,512

Filed: November 14, 2003

For: Treatment of Congestive Heart Failure

Group Art 3762
Unit:

Examiner:

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
on this date:

7/6/2004

Victoria Aguilera

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Examiner:

Submitted herewith is PTO/SB/08 containing a list of items that are being disclosed to the U.S. Patent & Trademark Office (PTO) pursuant to 37 C.F.R. 1.56, 1.97 and 1.98.

This application claims the benefit of United States Provisional Patent Application Serial Number 60/426,972, filed November 15, 2002.

The filing of this Information Disclosure Statement shall not be construed as a representation that a search has been made. See 37 C.F.R. §1.97(g).

IDS
10/713,512
Page Two

Further, the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in § 1.56(b). See 37 C.F.R. §1.97(h).

All of the items listed on PTO/SB/08 are in the English language.

Respectfully submitted,


Laura Haburay Bishop
Reg. No. 47,424

Dated: July 01, 2004

Address all correspondence to:

Bryant R. Gold
Advanced Bionics Corporation
25129 Rye Canyon Road
Valencia, CA 91355

Fax: (661) 362-1507

Address all telephone inquires to:

Laura Haburay Bishop
Telephone: (661) 362-1906



PTO/SB/08A (10-01)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	3	Attorney Docket Number	AB-269U
-------	---	----	---	------------------------	---------

Complete if Known

Application Number	10/713,512
Filing Date	November 14, 2003
First Named Inventor	Whitehurst, et al.
Art Unit	3762
Examiner Name	

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A1	US-4,080,966	03-28-1978	McNally, et al.	
	A2	US-4,114,628	09-19-1978	Rizk	
	A3	US-4,291,699	09-29-1981	Geddes, et al.	
	A4	US-4,355,646	10-26-1982	Kallok, et al.	
	A5	US-4,444,195	04-24-84	Gold	
	A6	US-4,848,352	07-18-89	Pohndorf, et al.	
	A7	US-5,104,859	04-14-1992	Sollevi	
	A8	US-5,129,394	07-14-1992	Mehra	
	A9	US-5,143,071	09-01-1992	Keusch, et al.	
	A10	US-5,184,616	02-09-93	Weiss	
	A11	US-5,269,301	12-14-1993	Cohen	
	A12	US-5,336,252	08-09-1994	Cohen	
	A13	US-5,330,505	07-19-1994	Cohen	
	A14	US-5,431,681	07-11-95	Helland	
	A15	US-5,476,502	12-19-95	Rubin	
	A16	US-5,513,644	05-07-1996	McClure, et al.	
	A17	US-5,527,344	06-18-1996	Arzbaecher, et al.	
	A18	US-5,531,776	07-02-1996	Ward, et al.	
	A19	US-5,549,109	08-27-96	Samson, et al.	
	A20	US-5,549,650	08-27-1996	Bomzin, et al.	
	A21	US-5,700,283	12-23-1997	Salo	
	A22	US-5,716,937	02-10-1998	Haupert, Jr.	
	A23	US-5,800,471	09-01-98	Baumann	
	A24	US-5,910,484	06-08-1999	Haupert, Jr.	
	A25	US-5,928,131	07-27-1999	Prem	
	A26	US-6,052,615	04-18-00	Feild, et al.	
	A27	US-6,076,014	07-13-00	Alt	
	A28	US-6,081,748	06-27-00	Struble, et al.	
	A29	US-6,096,064	08-01-00	Routh	
	A30	US-6,122,545	09-19-00	Struble, et al.	
	A31	US-6,134,470	10-17-2000	Hartlaub	
	A32	US-6,167,305	12-26-2000	Cammilli, et al.	
	A33	US-6,179,773-B1	01-30-2001	Prem, et al.	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 2 of 3

Complete if Known

Application Number	10/713,512
Filing Date	November 14, 2003
First Named Inventor	Whitehurst, et al.
Art Unit	3762
Examiner Name	

Attorney Docket Number AB-269U

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
A34	US-6,224,617-B1	05-01-2001		Saadat, et al.	
A35	US-6,328,699-B1	12-11-2001		Eigler, et al.	
A36	US-6,363,276-B1	03-26-2002		Prem, et al.	
A37	US-6,375,607-B1	04-23-2002		Prem	
A38	US-6,393,320-B2	05-21-2002		Lasersohn, et al.	
A39	US-6,405,080-B1	06-11-2002		Lasersohn, et al.	
A40	US-6,464,687-B1	10-15-2002		Ishikawa, et al.	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				
A41	WO-02/087688-A1		11-07-2002	Struble		

Examiner Signature

Date Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹Applicant's unique citation designation number (optional). ²See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Substitute for form 1449B/PTO
**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet

3

of

3

Complete if Known

Application Number	10/713,512
Filing Date	November 14, 2003
First Named Inventor	Whitehurst, et al.
Group Art Unit	3762
Examiner Name	

Attorney Docket Number AB-269U

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	A42	HAJJAR, et al., "Prospects for Gene Therapy for Heart Failure," Circulation Research, Vol. 86(6), (March 31, 2000), pages 616-621.	
	A43	HOSHIMIJA, "Chronic Suppression of Heart-Failure Progression by a Pseudophosphorylated Mutant of Phospholamban Via in Vivo Cardiac rAAV Gene Delivery," Nature Medicine, Vol 8(8), (August 2002), pages 864-871.	
	A44	MEHTA, et al., "Pacemakers and Defibrillators for Congestive Heart Failure," Curr Cardiol Rep, Vol 3(2), (March 2001), pages 119-123.	
	A45	MIYAMOTO, et al., "Adenoviral Gene Transfer of SERCA2a improves Left-Ventricular Function in Aortic-Banded Rats in Transition to Heart Failure," Proceedings of the National Academy of Sciences of the United States of America, Vol. 97(2), (Jan. 18, 2000), pages 793-798.	
	A46	PEPK-ZABA, et al., "Validation of Impedance Cardiography Measurements of Cardiac Output During Limited Exercise in Heart Transplant Recipients," Transplant International, Vol. 3(2), (July 1990), pages 108-112.	
OTHER PRIOR ART - RELATED APPLICATIONS			
	A47	WHITEHURST, McGIVERN, McCLURE, and STULTZ inventors for AB-194U; U.S. Patent Application Serial No. 10/221,463; filed August 02, 2002; entitled "Systems and Method for Treatment of Coronary Artery Disease".	
	A48	THACKER, McCLURE, and WHITEHURST inventors for AB-217U; U.S. Patent Application Serial No. 10/383,213; filed March 06, 2003; entitled "Sequenced and Simultaneous Stimulation for Treating Congestive Heart Failure".	
	A49	WHITEHURST, McCLURE, and THACKER inventors for AB-228U; U.S. Patent Application Serial No. 10/285,803; filed November 01, 2002; entitled "Thrombolysis and Chronic Anticoagulation Therapy".	
	A50	WHITEHURST, McCLURE, THACKER and McGIVERN inventors for AB-229U; U.S. Patent Application Serial No. 10/346,538; filed January 16, 2003; entitled "Treatment of Hypertension".	

Examiner Signature	Date Considered
--------------------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.

³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.